IN THE HIGH COURT OF UTTARANCHAL AT NAINTIAL

Criminal Misc. Appn. No. 542 of 2001
(Old No. 3314/97)

1. Har Pal Singh
2. Jasbir Singh
3. Major Singh
   All S/o Har Chandra Singh
   R/o Village Biraha, P.S. Bajpur,
   District Udham Singh Nagar.

……. Applicants

Versus

1. The State
2. Sukh Deo Singh
   S/o late Har Chandra Singh
   R/o Village Biraha, P.S. Bajpur,
   District Udham Singh Nagar.

……. Respondents

Mr. M.C. Kandpal, Sr. Counsel assisted by Mr. S.S. Chaudhary, Advocate for the applicants.
Mr. Nandan Arya, Asstt. Govt. Advocate for the State.

Hon. Prafulla C. Pant, J.

Heard learned counsel for the parties.

2) By means of this petition moved under Section 482 of the Code of Criminal Procedure, 1973, the applicants / petitioners have sought stay of criminal case No. 411 of 1996; Sukh Deo Singh Vs. Jasbir Singh and others, under Section 465, 468, 471 of the I.P.C..

3. It appears that a criminal complaint was filed before the trial court alleging that complainant's father Har Chandra Singh, who possessed license of firearm, died on 29.05.1984 The accused persons namely, Jasbir Singh Har Pal Singh and Major Singh, who were brothers of the

complainant, prepared forged affidavits and used them to obtain the firearm and the license of their father. The learned Magistrate recorded statements of the complainant under Section 200 of the Cr.P.C., apart from recording the statements of the witnesses, including that of the Patwari (public servant), under Section 202 of the Cr.P.C., and after satisfying himself, summoned the accused persons for their trial regarding the offences punishable under Section 465, 468 and 471 of the I.P.C.

4) After going through the detailed order passed by the trial court, this Court is of the view, that there is no illegality committed by the trial court in summoning the accused persons (applicants), which requires interference of this Court, under Section 482 of the Code of Criminal Procedure.

5) In view of the above, without expressing any opinion as to the final merits of the case pending before the trial court, this petition under Section 482 of the Code of Criminal Procedure, 1973 is dismissed. The interim stay order dated 27.05.1997, is vacated.

(Prafulla C. Pant, J.)

Dt. 06th September, 2006.
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